

INTELLECTUAL VENTURES I LLC	§	
and	§	
INTELLECTUAL VENTURES II LLC	§	
	§	Civil Action No. 2:14-CV-1130
<i>Plaintiffs,</i>	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
OLD REPUBLIC GENERAL	§	
INSURANCE GROUP, INC;	§	
OLD REPUBLIC INSURANCE	§	
COMPANY;	§	
OLD REPUBLIC TITLE INSURANCE	§	
GROUP, INC; and	§	
OLD REPUBLIC NATIONAL TITLE	§	
INSURANCE COMPANY	§	
	§	
<i>Defendants.</i>	§	
	§	

Intellectual Ventures submits this notice of supplemental authority from *Messaging Gateway Solutions, LLC v. AmDocs, Inc.*, Case No. 14-732-RGA (D. Del. Apr. 15, 2015) (Docket No. 33, attached as Exhibit 1) (“Order”), that is relevant to the motions to dismiss filed by Old Republic (Case No. 2:14-CV-01130-MRH, Dkt. No. 30), Erie (Case No. 1:14-CV-00220-MRH, Dkt. No. 46), and Highmark (Case No. 1:14-CV-01131-MRH, Dkt. No. 47).

Defendants, at the April 14, 2015 hearing, represented that the U.S. District Court for the District of Delaware had granted every Rule 12 motion relating to patent eligibility and argued that the “plausibility” standard did not apply to the § 101 analysis. In *Messaging Gateway*, however, the District of Delaware denied the defendants’ Rule 12(c) motion for judgment on the pleadings on patent-eligibility and granted the patentee’s cross-motion. Order, at 1. The Court applied the “plausibility” standard to decide the motions. *Id.* at 2.

In upholding the validity of the claims, the Court specifically relied on *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014). Order, at 8–11. In particular, the Court concluded that claims drawn to “[a] method of using a computer system to facilitate two-way communication between a mobile device and an Internet server” were patent eligible because they were “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *Id.* at 4–5, 9–10 (quoting *DDR Holdings*, 773 F.3d at 1257). The patent solved “a problem unique to text-message telecommunication between a mobile device and a computer” and did so with a solution “tethered to the technology that created the problem.” *Id.* at 10.

Respectfully submitted,

/s/Robert L. Wagner

Henry M. Sneath (Pa. ID No. 40559)
Robert L. Wagner (Pa. ID No. 308499)
Kelly A. Williams (Pa. ID No. 74782)
Picadio Sneath Miller & Norton, P.C.
Four Gateway Center
444 Liberty Avenue
Suite 1105
Pittsburgh, PA 15222
412.288.4000 (telephone)
412.288.2405 (facsimile)
hsneath@psmn.com
rwagner@psmn.com
kwilliams@psmn.com

Derek Gilliland
Texas State Bar No. 24007239
Nix Patterson & Roach, L.L.P.
205 Linda Drive
Daingerfield, Texas 75638
903.645.7333 (telephone)
903.645.5389 (facsimile)
dgilliland@nixlawfirm.com
Attorney in Charge

Edward Chin
Texas State Bar No. 50511688
Andrew J. Wright
Texas State Bar No. 24063927
Kirk Voss
Texas State Bar No. 24075229
Christian J. Hurt
Texas State Bar No. 24059987
Robert Winn Cutler
Texas State Bar No. 24084364
Ross Leonoudakis
Texas State Bar No. 24087915
Nix Patterson & Roach, L.L.P.
5215 N. O'Connor Blvd., Suite 1900
Irving, Texas 75039
972.831.1188 (telephone)
972.444.0716 (facsimile)
edchin@me.com
andrewjwright@me.com

kirkvoss@me.com
christianhurt@nixlawfirm.com
winncutler@nixlawfirm.com
rossl@nixlawfirm.com

***COUNSEL FOR PLAINTIFFS
INTELLECTUAL VENTURES I LLC AND
INTELLECTUAL VENTURES II LLC***

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5.5 and served via the Court's electronic filing system on all counsel who have consented to electronic service on April 21, 2015.

/s/Robert L. Wagner